

REMARKS

Applicants hereby traverse the current rejection, and request reconsideration and withdrawal in light of the remarks contained herein. Claims 1-21 are pending in this application.

Rejection under 35 U.S.C. § 102

Claims 1-21 are rejected under 35 U.S.C. § 102(e) as being anticipated by Kashiwagi et al. (598, hereinafter Kashiwagi).

It is well settled that to anticipate a claim, the reference must teach every element of the claim, see M.P.E.P. § 2131. Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he elements must be arranged as required by the claim,” see M.P.E.P. § 2131, citing *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Furthermore, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim,” see M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Applicant(s) respectfully assert(s) that the rejection does not satisfy these requirements.

Claim 1 defines an image data capture device that comprises a user data entry device for enabling a user to modify said generated image file. Kashiwagi does not disclose at least this limitation. As shown in Figures 1 and 2 of Kashiwagi, and discussed at column 10, lines 56-60, device 64 is a see-through display device, which allows a handwritten memo to be viewed as if written onto paper document 52. Kashiwagi does not modify a generated image file via a user data entry device. Thus, Kashiwagi does not teach all of the claimed limitations. Therefore, the Applicants respectfully assert that for the above reasons claim 1 is patentable over the 35 U.S.C. § 102 rejection of record.

Claim 13 defines a method comprising annotating said selected ones of said captured image data with said received user-entered data. Kashiwagi does not disclose at least this limitation. As shown in Figures 1, 2, and 11 of Kashiwagi, and discussed at column 13, line 25 to column 14, line 64, the device 64 is operative to calculate a position of the memo, load a stored document, and then merges the memo and the stored document at the display unit,

see column 15, line 21. Kashiwagi does not teach annotating said selected ones of said captured image data with said received user-entered data. Thus, Kashiwagi does not teach all of the claimed limitations. Therefore, the Applicants respectfully assert that for the above reasons claim 13 is patentable over the 35 U.S.C. § 102 rejection of record.

Claim 19 defines an optical scanner comprising means for annotating said displayed selected image data with said superimposed received user-entered data. Kashiwagi does not disclose at least this limitation. As shown in Figures 1, 2, and 14 of Kashiwagi, and discussed at column 16, line 58 to column 17, line 53, the flowchart of Figure 14 is operative to create a memo. Kashiwagi does not teach a means for annotating said displayed selected image data with said superimposed received user-entered data. Thus, Kashiwagi does not teach all of the claimed limitations. Therefore, the Applicants respectfully assert that for the above reasons claim 19 is patentable over the 35 U.S.C. § 102 rejection of record.

Claims 2-12, 14-18, and 20-21 depend from base claims 1, 13, and 19, respectively, and thus inherit all limitations of their respective base claim. Each of claims 2-12, 14-18, and 20-21 sets forth features and limitations not recited by Kashiwagi. Thus, the Applicants respectfully assert that for the above reasons claims 2-12, 14-18, and 20-21 are patentable over the 35 U.S.C. § 102 rejection of record.

Conclusion

Claims 1 and 6-7 have also been amended to clarify the claimed invention. The claims have been amended only for this purpose, and not for the purpose of narrowing their scope in the face of prior art. No new matter has been added by these amendments.

For all the reasons given above, the Applicants submit that the pending claims distinguish over the prior art of record under 35 U.S.C. § 102. Accordingly, the Applicants submit that this application is in full condition for allowance.

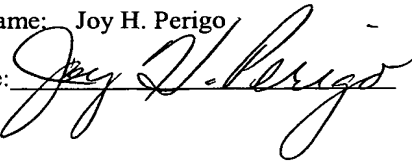
Applicants respectfully request that the Examiner call the below listed attorney if the Examiner believes that such a discussion would be helpful in resolving any remaining problems.

Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 08-2025, under Order No. 10003837-1 from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Label No. EV482708721US in an envelope addressed to: MS Amendment, Commissioner for Patents, Alexandria, VA 22313.

Date of Deposit: 07-06-2005

Typed Name: Joy H. Perigo

Signature: 

Respectfully submitted,

By: 

Michael A. Papalas
Attorney/Agent for Applicant(s)
Reg. No. 40,381
Date: July 6, 2005
Telephone No. (214) 855-8186